

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRIAN KERRY O'KEEFE,

Case No. 3:16-cv-00430-MMD-VPC

Petitioner,

ORDER

v.

ROBERT LEGRAND, *et al.*,

Respondents.

Petitioner has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court dismisses this action because petitioner did not pay the filing fee, nor did he submit an application to proceed *in forma pauperis* with a financial certificate and a copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

Reasonable jurists would not find this conclusion to be debatable or wrong, and the Court will not issue a certificate of appealability.

It is therefore ordered that the Clerk of the Court send petitioner a blank form for an application to proceed *in forma pauperis* for incarcerated litigants.

It is further ordered that this action is dismissed without prejudice to petitioner's commencement of a new action in which he either pays the filing fee in full or submits a complete application to proceed *in forma pauperis*, accompanied by a signed financial certificate and a statement of his inmate account. The Clerk of the Court will enter judgment accordingly and close this action.

1 It is further ordered that a certificate of appealability is denied.

2 DATED THIS 5<sup>th</sup> day of August 2016.

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5 MIRANDA M. DU  
6 UNITED STATES DISTRICT JUDGE  
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